

United States District Court
Southern District of Ohio
Western Division

United States,

Plaintiff,

v.

Ryan Carter,

Defendants.

Case No. 1:21-cr-017-2

District Judge Douglas R. Cole

Emergency Motion for Furlough by Defendant Ryan Carter

Mr. Carter hereby moves the Court for an order releasing him on a brief furlough on Monday, March 28th, 2022 to attend the funeral of his brother who recently passed away. In the alternative, Mr. Carter asks the Court to direct the United States Marshal to take a few hours of their time to transport him to the services so that he may honor his brother's passing with his family. A memorandum in support of this motion is set forth below.¹

Memorandum in Support

Mr. Carter is from a large and well-connected family in the Cincinnati area and is one of eight siblings born to his parents. His younger brother, Marquell Wilcox, sadly passed away on March 4, 2022 at the age of 21 years old. His funeral arrangements are scheduled for Monday, March 28th, 2022 and Mr. Carter respectfully moves the Court for a brief furlough to allow him to attend the services and grieve with family. By way of confirmation, the funeral arrangements are

¹ Notice of this request was sent to counsel for the government as required by court rule to ascertain whether they plan to object. No response has been received as of this filing, but the matter is being brought to Court's attention before a response is received in recognition of the brief time period available to the Court for its consideration.

being handled by the Walker Funeral Home located at 2625 Gilbert Avenue in Cincinnati. Full details regarding the service can be viewed at <https://www.herbwalker.com/obituary/Marqell-Wilcox>. The Court is asked to allow Mr. Carter to be released from custody for a few short hours so that he can mourn his brother in the company of his family. In the alternative, the Court is asked to direct the Marshal's Service to transport Mr. Carter to his brother's services.

The reasons which support the granting of this motion are both obvious and powerful. The bond between siblings is without measure, and no impact to that bond is more impactful or permanent than death. The funeral tradition has existed for centuries in recognition that when words or thought alone are insufficient, we as a people often turn to the power of ritual. Rituals are symbolic activities that help us, both individually and as part of community, express and internalize our deepest reactions to life's most important events. The funeral ritual specifically helps us acknowledge the reality of death, gives testimony to the life of the deceased, encourages the expression of grief, allows for the embracing of faith and beliefs about life and death, and offers continuity and hope for the living. The power and worth of Mr. Carter's involvement in this ritual is beyond question.

The government may elect to object to this reasonable request and, should it so elect, will likely focus its arguments upon the severity of the allegations at issue in this case. The Court is asked to take several factors into consideration should it find itself weighing these considerations. First and foremost is the fact that Mr. Carter is the subject of an as yet unproven indictment and, as such, remains cloaked in the presumption of innocence. The offense charged in the complaint is alleged to have occurred in 2015 and law enforcement has already arrested, changed, and released one individual whom it mistakenly believed was involved in this offense. Finally, undersigned counsel is also not aware of a *single witness* who is going to attempt to identify Mr. Carter as one of the two perpetrators of this crime. Mr. Carter would be out of custody for a matter

of mere hours, and all that time would be spent with family at the services. The odds of him presenting some risk to the community during this period is so close to zero as to warrant little discussion.

For all the foregoing reasons, Mr. Ryan Carter respectfully moves the Court for an order releasing him on a brief furlough to attend his brother's funeral. In the alternative, Mr. Carter asks the Court to direct the United States Marshal to transport him to the services so that he may grieve with his family.

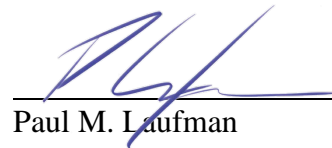
Respectfully submitted,



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Certificate of Service

I hereby certify that a copy of the foregoing pleading was electronically filed on the 22nd day of March 2022. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing system.



Paul M. Laufman